COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: August 24, 2006

FILE NO.: SH2149895

FROM: JOHNNY G. JURADO, COMMANDER
TED S. SIARA, COMMANDER
KARYN MANNIS, A/COMMANDER

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**

DEPUTY RANDAL SLATE #[redacted]
WEST HOLLYWOOD STATION

On June 29, 2005, West Hollywood Station deputies responded to [redacted] North Genesee Avenue, Apt [redacted] regarding a domestic disturbance call. Upon arrival, deputies heard crashing noises coming from inside the apartment as well as male and female voices.

After failed attempts to have the occupants grant them access, and believing that someone was being assaulted inside, the deputies and the field sergeant forced entry into the apartment. Upon entry, the deputies saw the suspect standing in the middle of the living room wielding a large knife. From a position inside the doorway, Sergeant Louis directed Deputy [redacted] to deploy the Taser at the suspect. However, initial attempts to discharge the Taser failed. On the third attempt, the Taser fired, but the darts missed the suspect, who now fled to a rear bedroom and closed the door.

Deputies approached the bedroom door and heard what sounded like a female voice crying for help. Fearing the suspect was going to harm the female, the deputies forced entry into the bedroom. The suspect was standing on a bed and refused any demands to drop the large knife. The suspect started to advance on the deputies and Deputy [redacted] again deployed the Taser. Concurrently, as the suspect was advancing, Deputy Slate tried to retreat out of the way but was unable to because other deputies were in the doorway. Thus, being in fear for his life and that of his partner, fired four, 9mm rounds, striking the suspect in the upper torso. The suspect sustained a gunshot wound to the upper torso. He was transported to Cedar Sinai Medical Center where he was pronounced dead.

It was subsequently determined that the suspect was the sole occupant in the apartment. The suspect apparently feigned the voice of a female and broke up furniture inside the residence. The suspect's weapon, a 12 inch butcher knife, was recovered from the bedroom. No deputies were injured.

On August 24, 2006, the Executive Force Review Committee convened and conducted

a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP § 3-01/025.00: Use of Force; MMP § 3-01/025.30: Use of Firearms and Deadly Force; MMP § 3-01/025.10: Unreasonable Force; and MMP § 3-01/050.10: Performance to Standards. Concerning:

MMP § 3-01/025.00: Use of Force, MMP § 3-01/025.30: Use of Firearms and Deadly Force, and MMP § 3-01/025.10: Unreasonable Force, the Committee determined that the force used by the deputy was reasonable and necessary and in compliance with Department policy. MMP § 3-01/050.10: Performance to Standards, the Committee determined that the tactics employed by the deputies in this incident were within Department Policy.

Johnny G. Jurado, Commander

TABLE OF CONTENTS

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 06/29/2005	Bureau/Station/Facility: FOR II/ West Hollywood	Admin. Invest.? ☐ Hit? ☒

Incident Information

URN: 005-04476-0974-013	Date: 06/29/2005 Time: 2245
City or Station: West Hollywood	Nature of Incident: See attached chief's memo.
Location: [redacted] N. Genesee Avenue	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, **Residence**, Rural, School, Street, Other: ______

Lighting (*circle only one*): Darkness, Daylight, **Other**, Street Lights

Weather (*circle only one*): **Clear**, Cloudy, Fog, Rain

Distance:

Incident Type (*circle one or more*): Accidental, **Armed Person**, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, **Call**, Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol**

Total # of Shots Fired by Deputy:

Total # of Shots Fired by Suspect:

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	[redacted]	[redacted]		EM **PM** Day	**Regular** Overtime Off Duty
[redacted]	Vaughn	Fred	A	EM **PM** Day	**Regular** Overtime Off Duty
[redacted]	Young	Sam		EM **PM** Day	**Regular** Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name	First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name	First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Louis	Timothy		**On Duty**, **Present during shooting**, **Witness to shooting**, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Walker	Ray	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Smith	Bard	

PSTD Use Only

SH # ______

Officer Involved Shooting

URN: 005-04476-0974-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
06/30/2005	0014		

Employee #	Last Name	First Name	M.I
[redacted]	McCray	Leonard	
	Berg	Michael	
	Seno	Ben	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restrain:
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious

(RM) Refused Med Treatment

(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)

See Front Side



Officer Involved Shooting
Involved Employee Information

URN: 005-04476-0974-013

Involved Employee

E 1

Employee # [redacted] | Last Name: Slate | First Name: Randall | M.I.

Sex: M | Race: White | Rank: Deputy Sheriff | Unit Assignment: West Hollywood | Work Assignment (Unit #, Module, etc.): 94E

ShiftTime (*circle only one*): EM (PM) Day | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☒

Hrs of sleep prior to shooting: 8 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest) | Other Factors:

Age: [redacted] | Height: 600 | Weight: 220

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? ☒ | Number of Prior Shootings: 1

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

E __

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

E __

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

See Other Side



Officer Involved Shooting Suspect Information

URN: 005-04476-0974-013

Suspect Information

S 1

Last Name: Smith | First Name: Bruce | M.I.: A
AKA Last Name: | First Name: | M.I.:
Sex: M | Race: White | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]
Work Phone: | Home Phone: | Social Security #: | Driver's License #: [redacted]
Age: 44 | D.O.B. 07/28/60 | Height: 511 | Weight: 185 | FBI #: | CII #:
Booking #: | Primary Charge: | Secondary Charge:
Coroner Case? ☒ | Coroner Case # 2005-04912 | Intoxication/Drug Usage? ☐ | Substance Used:
Armed? ☒ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? [redacted]
Vehicle Make: | Model: | Year:

S__

Last Name: | First Name: | M.I.:
AKA Last Name: | First Name: | M.I.:
Sex: | Race: | Street Address: | City: | State & Zip Code:
Work Phone: | Home Phone: | Social Security #: | Driver's License #:
Age: | D.O.B.: | Height: | Weight: | FBI #: | CII #:
Booking #: | Primary Charge: | Secondary Charge:
Coroner Case? ☐ | Coroner Case #: | Intoxication/Drug Usage? ☐ | Substance Used:
Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐
Vehicle Make: | Model: | Year:

S__

Last Name: | First Name: | M.I.:
AKA Last Name: | First Name: | M.I.:
Sex: | Race: | Street Address: | City: | State & Zip Code:
Work Phone: | Home Phone: | Social Security #: | Driver's License #:
Age: | D.O.B.: | Height: | Weight: | FBI #: | CII #:
Booking #: | Primary Charge: | Secondary Charge:
Coroner Case? ☐ | Coroner Case #: | Intoxication/Drug Usage? ☐ | Substance Used:
Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐
Vehicle Make: | Model: | Year:

S__

Last Name: | First Name: | M.I.:
AKA Last Name: | First Name: | M.I.:
Sex: | Race: | Street Address: | City: | State & Zip Code:
Work Phone: | Home Phone: | Social Security #: | Driver's License #:
Age: | D.O.B.: | Height: | Weight: | FBI #: | CII #:
Booking #: | Primary Charge: | Secondary Charge:
Coroner Case? ☐ | Coroner Case #: | Intoxication/Drug Usage? ☐ | Substance Used:
Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐
Vehicle Make: | Model: | Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Zip Code [redacted] Work Ph Home Ph [redacted]

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Zip Code [redacted] Work Ph Home Ph [redacted]

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Zip Code [redacted] Work Ph Home Ph [redacted]

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Zip Code [redacted] Work Ph [redacted] Home Ph [redacted]

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

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Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Berbiar	Michael		West Hollywood Station			
Speer	Clark		West Hollywood Station			
Taylor	Gregory		West Hollywood Station			

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING - HIT
SH 2149895(FO 2178357)
URN: 005-04476-0974-013

On Wednesday, June 29, 2005, Sergeants Leonard McCray and Michael Berg of Internal Affairs Bureau responded to [redacted] North Genesee Avenue, West Hollywood, regarding a deputy involved hit shooting. Internal Affairs Bureau Lieutenant Ben Seno also responded. Sergeants Sandra Nava and Alex Macarthur of Homicide Bureau were present at the scene as well as Deputy Yancy Walden of Training Bureau, Deputy Anthony Haynes of the Civil Litigation Unit, and Stephen Connolly of the Office Of Independent Review.

West Hollywood Station Field units were dispatched to [redacted] Genesee Avenue, Apartment [redacted] West Hollywood, regarding a domestic disturbance call. Deputies Randall Slate, [redacted] Michael Berbiar, Clark Speer, Gregory Taylor, Fred Vaughn, Sam Young and Sergeant Timothy Louis responded. When the deputies arrived on scene they heard crashing noises coming from inside the apartment as well as male and female voices. After failed attempts to have the occupants grant them access to the apartment, the deputies, believing someone was being assaulted inside , forced entry into the apartment. Once inside, they encountered the suspect who was wielding a large knife. The suspect failed to comply with repeated commands to drop the knife and retreated to the bedroom and barricaded himself inside. The deputies were unable to locate the female occupant and believed that she was inside the bedroom with the suspect who was armed with a knife. The deputies forced entry into the bedroom and encountered the suspect standing on the bed holding a knife in his hand. The Suspect was given repeated orders to drop the knife but failed to comply. The suspect began to move towards the deputies who were only a short distance away. Deputy [redacted] fired a taser cartridge from his M-26 taser after being ordered to do so by Sergeant Louis. Deputy Slate, fearing that he was going to be stabbed by the suspect, fired four founds from his duty weapon to stop the attack. It was subsequently determined that the suspect was the sole occupant in the apartment. The suspect was pronounced dead a short time later at Cedars- Sinai Medical Center.

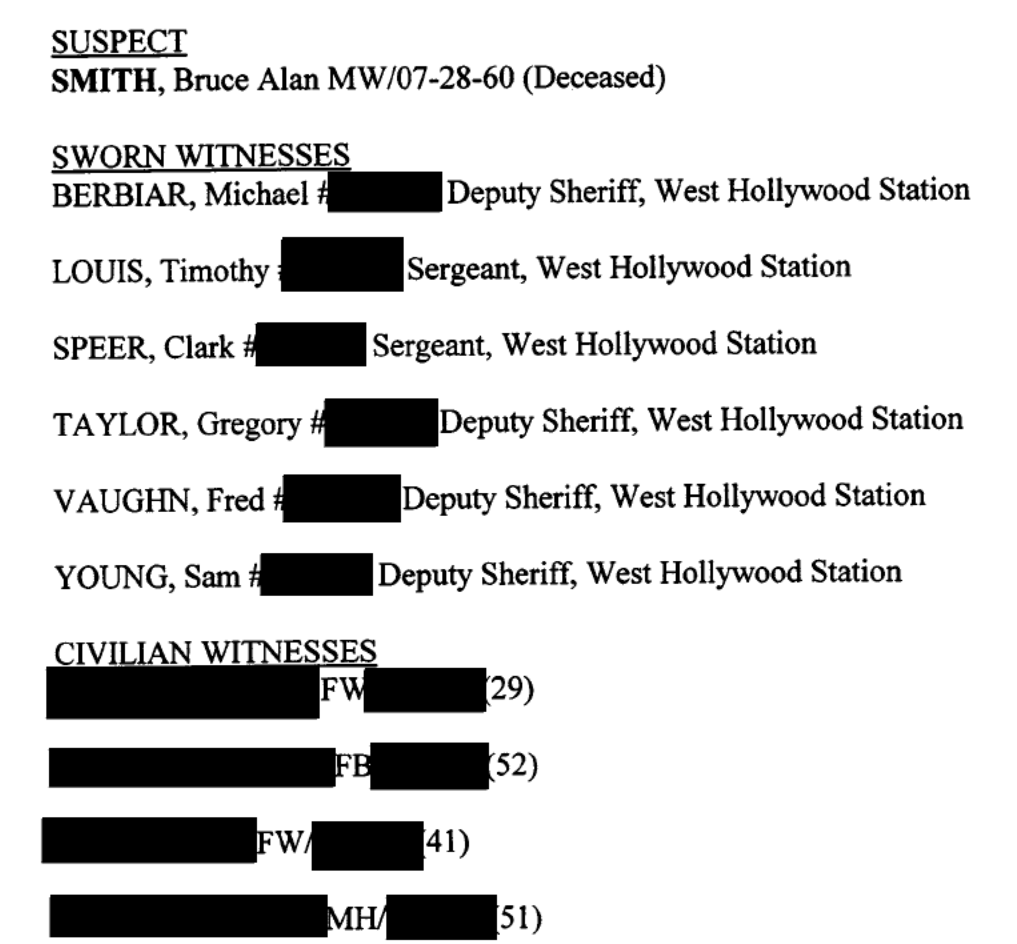
INVOLVED PERSONNEL

SLATE, Randall

Hire date:	06-04-91
Date assigned to patrol:	[redacted]
Completed patrol training:	
Prior shooting incidents:	11-18-01

[redacted]

Hire date:	12-23-96
Date assigned to patrol:	[redacted]
Completed patrol training:	
Prior shooting incidents	



SUSPECT
SMITH, Bruce Alan MW/07-28-60 (Deceased)

SWORN WITNESSES
BERBIAR, Michael #[redacted] Deputy Sheriff, West Hollywood Station

LOUIS, Timothy [redacted] Sergeant, West Hollywood Station

SPEER, Clark #[redacted] Sergeant, West Hollywood Station

TAYLOR, Gregory #[redacted] Deputy Sheriff, West Hollywood Station

VAUGHN, Fred #[redacted] Deputy Sheriff, West Hollywood Station

YOUNG, Sam #[redacted] Deputy Sheriff, West Hollywood Station

CIVILIAN WITNESSES
[redacted] FW[redacted](29)

[redacted] FB[redacted](52)

[redacted] FW/[redacted](41)

[redacted] MH/[redacted](51)

PHYSICAL EVIDENCE
All physical evidence pertaining to this investigation was recovered at the scene and processed by Homicide and Crime Lab personnel. Refer to pages 57 through 59 of homicide book (Exhibit A) for detailed list and description of evidence.

INVESTIGATOR OBSERVATIONS
All evidence observed at the scene of the incident was consistent with the information provided by involved personnel and witnesses.

WEAPONS USED BY DEPUTY PERSONNEL
Deputy Randall Slate fired four (4) rounds of Department issued 9mm duty ammunition from his Department issued Beretta 92F 9mm pistol. Four expended 9mm shell casings were recovered at the scene. Prior to this shooting incident, Deputy Slate last qualified with his Department issued Beretta 92F 9mm pistol on [redacted] and last attended training on [redacted]
Deputy [redacted] fired two cartridges from a Department issued M26 Advanced Taser.

WEAPONS USED BY SUSPECT
Suspect Bruce Smith confronted deputies with a butcher's knife, which had a 5 inch handle and a 10 inch blade **(Exhibit E)**.

LIGHTING AND WEATHER CONDITIONS
The encounter with Suspect Smith occurred indoors and during the hours of darkness. Information provided by witnesses suggests that the interior lights in the bedroom were off when the shooting took place. Weather conditions were cool and dry and do not appear to have been a factor in this incident.

INVOLVED EMPLOYEE'S STATEMENTS
Deputy Randall Slate was assigned to unit 94E on the night of the shooting along with his partner, Deputy Mike Berbiar. Deputy Slate said that a call of a domestic assault in progress **(Exhibit C)** was broadcast over the radio and that he and his partner were assigned to respond with red lights and siren. Deputy Slate said that he and his partner had the shortest estimated time of arrival and were assigned to assist on the call. Deputy Slate said that they arrived on scene approximately 35 to 40 seconds after receiving the call and that a second unit arrived on scene seconds after he (Slate) and his partner arrived. Deputy Slate said that he saw the second unit approaching and opted not to approach the location until they arrived.

After determining the location of the apartment where the reported assault was taking place, Deputy Slate and the other deputies on scene walked along a paved walkway that led to the suspect's apartment (Apartment [redacted] The walkway paralleled the apartment building on the south side. Deputy Slate said that he could hear glass breaking and a male voice yelling as he and the other deputies approached. Deputy Slate said that one of the other deputies began "hammering" on the door with his flashlight to get the occupants attention. A male occupant (Suspect Smith) responded "Fuck you, fuck you. I'm not going to open the door." Deputy Slate said that it sounded as if things were being thrown around.

Deputy Slate said that the information provided in the call was that a couple was fighting inside the location and that screaming was heard **(Exhibit C)**. Deputy Slate said that he presumed it was a male and female. Deputy Slate said that he heard the deep voice of the suspect and a distinctive whimpering which he perceived to be a female voice emitting from the suspect's apartment. Deputy Slate said that it was apparent they were going to have to force entry into the apartment and that they requested a supervisor respond to the scene. Deputy Slate said that Sergeant Louis arrived on scene along with additional deputy personnel.

Deputy Slate said that as the deputies forced entry through the front door, he smashed the living room window in order to create a diversion as his partner, Deputy Berbiar, smashed the kitchen window. Deputy Slate said that when the door was opened deputies illuminated the interior of the apartment and saw a male white holding a large white handled butcher knife. Deputy Slate said that there were approximately four deputies that entered the apartment and that he (Slate) was standing behind them just outside the doorway. Deputy Slate said from his vantage point he was

able to see the suspect standing in the middle of the living room.

Deputy Slate said that Deputy [redacted] fired the taser at the suspect from his position inside the doorway. Deputy Slate said the taser darts missed the suspect who then ran into the bedroom and shut the door. Deputy Slate said that he and the other deputies entered the apartment and searched the living room, dining room and kitchen for the second occupant, whom they believed to be a female, but found no one. Deputy Slate said that he could hear the suspect yelling "Fuck you, fuck you" and a very low whimpering which he believed to be a female crying, from inside the bedroom.

Deputy Slate said based on the yelling and the whimpering he heard, coupled with the fact that the suspect fled into the bedroom armed with a knife, and the female he believed to be in the apartment was not located in any of the other rooms, he believed the woman was being attacked inside the bedroom. Deputy Slate said that the situation was such that they could not retreat.

Deputy Slate said that Sergeant Louis directed Deputy [redacted] who was armed with a taser, to step up to the bedroom door and then asked for an additional deputy to step up to the door with a gun. Deputy Slate said that he stepped up and stood shoulder to shoulder with Deputy [redacted] just outside the bedroom. Deputy Slate said that Sergeant Louis announced "Sheriff's Department" and then kicked the bedroom door open. As the door swung open, Deputy Slate illuminated the inside of the room with his flashlight and saw the suspect standing on the bed holding the knife in his hand at shoulder level. Deputy Slate said that he ordered the suspect to drop the knife and the suspect responded, "Fuck you, fuck you. Shoot me, shoot me." Deputy Slate said that the suspect began moving in his direction at a fast pace while holding the large butcher knife. Deputy Slate said that he was not able to retreat because there were deputies standing behind him and that he began firing his weapon as the suspect was stepping off of the bed. Deputy Slate estimated the suspect was approximately 10 feet away from him as he fired his weapon. Deputy Slate said that the suspect was repeatedly ordered by the deputies to drop the knife throughout the encounter. Deputy Slate said that he fired four rounds in rapid succession, as fast as he could, and stopped when he saw the suspect turn away.

Deputy Slate said that he heard Sergeant Louis tell [redacted] to tase the suspect and recalled Deputy [redacted] firing the taser. Deputy Slate said that the taser was discharged after he (Slate) had already begun firing his pistol. Deputy Slate said that Deputy [redacted] was standing off his right shoulder when he fired and that none of the other deputies were in a position to safely discharge their weapons. Deputy Slate described the suspect's demeanor as agitated and believed his anger was directed at deputy personnel.

Deputy [redacted] was assigned to unit 94A the night of the shooting. His partner that evening was Deputy Gregory Taylor. At approximately 2200 hours Deputy [redacted] and his partner received a spousal abuse in progress call. They responded to the reported location and arrived just as another Sheriff's unit was arriving (92E). As they approached the apartment identified in the call, Deputy [redacted] heard sounds consistent with things being thrown around and broken

coming from inside the apartment. Deputy [redacted] said that they knocked on the door, identified themselves as deputy sheriffs and ordered the suspect to open the door. Deputy [redacted] heard a male voice from inside the apartment respond, "Fuck yourselves." Deputy [redacted] said he heard what he believed to be a second voice coming from inside the apartment but could not make out what was being said. Deputy [redacted] said that the voice sounded feminine and that he believed a woman was being beaten up.

Deputy [redacted] said they called for the field sergeant to respond to the scene as they continued their attempts to persuade the occupants to open the door. He said the suspect continually responded, "Fuck yourselves." Deputy [redacted] said that after the sergeant arrived, he identified himself and ordered the suspect to open the door, however, the suspect would not comply responding, Fuck you, fuck you." Deputy [redacted] reported that they could no longer hear the female's voice and feared that she might be injured. He said that Sergeant Louis directed them to force the door open.

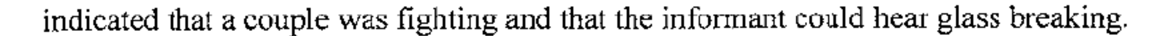
Once the door was breeched, Deputy [redacted] could see the suspect standing in the living room holding a large knife. He said the suspect was yelling and making cutting motions towards him and the other deputies with the knife. Deputy [redacted] said that Sergeant Louis directed him to fire the M-26 taser at the suspect. Deputy [redacted] initial attempt to discharge the taser failed. It subsequently fired on his third attempt, however, the suspect was able to avoid the taser darts by turning and fleeing into the bedroom. Deputy [redacted] said the suspect closed the bedroom door after he entered, barricading himself inside. Deputy [redacted] reported that they feared there was a victim inside the bedroom.

Deputy [redacted] reloaded his M-26 taser and positioned himself just outside the bedroom door along with Deputy Slate. He said that Sergeant Louis directed them to force the bedroom door open. After the door was breeched, Deputy [redacted] saw the suspect standing on the bed with a butcher knife in his right hand. Deputy [redacted] said that he and Deputy Slate stepped into the bedroom and that he [redacted] ordered the suspect to drop the knife. Deputy [redacted] reported that the suspect suddenly moved toward them with the knife in his hand while yelling. Deputy [redacted] fired his M-26 taser at the suspect but did not know if the darts struck the suspect. Deputy [redacted] said that as he discharged the M-26 taser, Deputy Slate simultaneously fired three rounds from his firearm. Deputy [redacted] said that the suspect was very close to them inside the bedroom and that there was not much time to decide what to do.

Deputy [redacted] said that it was dark in the room however he recalls being able to see the suspect's face and the knife. He did not remember whether he used his flashlight or not.

SWORN WITNESS STATEMENTS

Deputy Michael Berbiar was assigned to unit 94E on the night of the shooting. He was the book man that evening and his partner was Deputy Randall Slate. Deputy Berbiar and his partner were assigned an emergent domestic violence call with a "code -3" response (red lights and siren). He said that their estimated time of arrival was a minute to a minute and a half. He said the call



indicated that a couple was fighting and that the informant could hear glass breaking.

Deputies Berbiar and Slate arrived at the scene just as unit 94A, Deputies Taylor and [redacted] arrived. As they approached the suspect's apartment (Apartment [redacted] he (Berbiar) could hear glass breaking and two people, a man and a woman, arguing inside the apartment. Deputy Berbiar said they identified themselves as members of the Sheriff's Department and ordered the persons inside the apartment to open the door. Deputy Berbiar said the male voice inside the apartment replied, "Fuck you."

Deputy Berbiar said that the sergeant was asked to respond and that the decision to force entry was subsequently made. Deputy Berbiar said he provided a diversion as the front door was being kicked by smashing the kitchen window. As he peered through the broken window he saw the deputies make entry and could also see the suspect standing in the living room holding a large knife. Deputy Berbiar said he heard the deputies inside the apartment repeatedly order the suspect to put the knife down, however, he did not comply. Deputy Berbiar said the suspect repeatedly made the statement or statement similar to, "Shoot me, just go ahead and shoot me."Deputy Berbiar said that Deputy [redacted] fired the M-26 taser, but the suspect was turning and the taser darts missed. He said the suspect fled into the bedroom and closed the door.

Deputy Berbiar said after the suspect retreated into the bedroom, he heard panting and moaning sounds which he believed to be that of an injured female. Deputy Berbiar said Sergeant Louis placed a deputy with a gun, and Deputy [redacted] who was armed with a taser, outside the bedroom door. He then heard the bedroom door being forced open and the sound of the taser being fired. Deputy Berbiar also heard the remark, "Drop the knife. Drop the knife."He then heard approximately four gunshots followed by additional commands to drop the knife. Deputy Berbiar said that he was positioned behind at least two deputies near the hallway when the shooting occurred and that he did not see the confrontation.

Deputy Gregory Taylor was assigned to unit 94A on the evening of the shooting. He was partnered with Deputy [redacted] He recalled responding code-3 to a domestic dispute call. The call indicated a couple was fighting and breaking things inside their residence. Deputy Taylor said he heard glass breaking as he approached the suspect's apartment and that he saw broken window panes and broken glass on the ground outside the suspect's apartment. Deputy Taylor approached the apartment and announced, "Sheriff's Department, open the door." He heard someone inside the apartment respond, "Fuck you. Just shoot me." They knocked on the door a second time, after which Deputy Taylor heard the sound of breaking glass coming from inside the apartment. He said they knocked a third time and announced, "Sheriff's Department,"after which he heard a female voice and noises that he believed to be consistent with a fight or a struggle. Deputy Taylor called for a sergeant and paramedics to respond to the scene fearing that someone was being assaulted and possibly injured inside the apartment. When Sergeant Louis arrived he knocked on the door and identified himself, however, the suspect responded, "Fuck you," and would not open the door. Deputy Taylor said additional sounds of breaking objects were heard inside the apartment.

Deputy Taylor said they forced entry into the apartment because they believed there might have been an injured person inside. After gaining access, he saw the suspect moving toward the north end of the living room. He said the suspect had a large butcher knife in his right hand raised above his head and that he was yelling. Deputy Taylor said the suspect was ordered to drop the knife and after failing to comply, Deputy [redacted] fired the M-26 taser at him. Deputy Taylor said the taser darts missed the suspect and embedded in the door frame on the north end of the living room. He said Suspect Smith then ran into the bedroom and shut the door.

Deputy Taylor said that he checked the apartment for a female occupant but did not locate her. He said that they heard a female voice coming from inside the bedroom and believed that a female victim might be in the bedroom with the suspect. As they moved into the hallway just outside the bedroom door, Deputy Taylor saw a large knife laying on the hallway floor and kicked it into the bathroom. One of the other deputies ordered the suspect to open the door, however he failed to comply.

As Deputy Slate and Deputy [redacted] entered the bedroom, Deputy Taylor stood in the doorway behind them. Deputy Taylor said that he could not see the suspect but heard Deputy Slate yell, "Drop the knife. Drop the knife,"and then the taser being fired inside the bedroom. Shortly afterward, Deputy Taylor heard approximately three gunshots and saw smoke emitting from Deputy Slate's weapon as it discharged. Deputy Taylor entered the room and saw the suspect slumped over a night-stand alongside the bed. Deputy Taylor said that Deputy [redacted] moved the suspect to the floor and checked him for additional weapons before he was seen by paramedics.

Sergeant Timothy Louis was field Supervisor the evening the shooting took place. He said that he heard the domestic violence call go out over the radio and was en route to the call when he was contacted by deputies already on scene. Sergeant Louis said the deputies asked that he respond code-3 because they heard fighting and objects being thrown inside the apartment. As he responded code-3, he was contacted a second time with a request to make forced entry. Sergeant Louis said that he authorized the forced entry, however, upon arriving on scene he found that the deputies had not yet done so. Sergeant Louis said he heard a female voice inside the apartment scream, "Go in and help me. Come get me. Help me." Sergeant Louis knocked on the door and identified himself and the suspect replied that he did not care. Sergeant Louis said that Suspect Smith Stated, "Come and get me. Come and kill me."

Sergeant Louis said that he believed a female inside the apartment was possibly injured or being injured so he ordered the deputies to kick open the front door. Sergeant Louis said that the deputies were having a difficult time breeching the front door so he ordered deputies to attempt to gain access through the windows. Attempts to gain access through the kitchen and living room windows was unsuccessful because they had been barricaded. Deputy Young was subsequently able to kick open the front door.

Once the door was opened, Sergeant Louis entered the apartment along with Deputy [redacted] and

Slate. Sergeant Louis saw Suspect Smith standing in the middle of the living room with a knife in his right hand. He said the suspect was "flailing" the knife around over his (Suspect Smith's) head while yelling and acting crazy. Sergeant Louis said Suspect Smith appeared to be under the influence of methamphetamine and that he refused their commands to drop the knife. Sergeant Louis ordered Deputy [redacted] to fire the M26 taser at Suspect Smith because he (Smith) began to move towards them. Deputy [redacted] fired the Taser but the taser darts missed and struck the living room wall. Suspect Smith turned and ran into the bedroom and closed the door.

Sergeant Louis said that he and the deputies moved into the hallway just outside the bedroom and that he could hear the female screaming inside the bedroom. Sergeant Louis said he kicked the bedroom door open and Deputy Slate and Deputy [redacted] entered the bedroom. Sergeant Louis said he remained just outside the doorway to the bedroom and could see the suspect jumping up and down on the bed. He said the suspect was holding a black handled knife and was screaming and yelling at them. Sergeant Louis said he ordered Deputy [redacted] to fire the taser at Suspect Smith after he failed to comply with their orders to drop the knife. Sergeant Louis said Deputy [redacted] fired the taser and he (Louis) believed the suspect was struck by the darts because he fell down. Sergeant Louis said that he could no longer see Suspect Smith after he fell down but heard Deputy Slate yell, "Put it down. Drop it. Stop." After yelling "Stop" Deputy Slate fired approximately three rounds from his duty weapon. Sergeant Louis entered the bedroom and saw the suspect lying in the northwest corner of the bedroom, bleeding from his chest. Deputy [redacted] moved Suspect Smith out of the corner and layed him on his back so that he could breath.

Sergeant Louis opined that Suspect Smith disguised his voice purposely to make deputies come in and shoot him. He added that had he known Suspect Smith was inside the apartment alone, they would have contained the apartment and called for the Special Enforcement Bureau (SEB).

Deputy Fred Vaughn was working unit 92F1, along with Deputy Young, on the evening of the shooting. Deputy Vaughn was dispatched a call of a domestic dispute at [redacted] Genesee Avenue, Apartment [redacted] Suspect Smith's apartment. As he approached the apartment he heard things being smashed and broken as if there was a fight taking place inside. Deputy Vaughn said that he heard Suspect Smith yelling but he did not hear a women's voice coming from inside the apartment.

Deputy Vaughn said that Deputy Young kicked the front door of the apartment open and then he (Vaughn) and Deputy [redacted] entered the apartment. Deputy Vaughn saw Suspect Smith standing with a knife in his right hand. He said that Suspect Smith began to back away when he (Vaughn) directed his flashlight beam toward him (Smith). Deputy Vaughn said that Suspect Smith started yelling at them and swinging the knife he was holding. He said Deputy [redacted] fired his M-26 taser at the suspect, however, he missed because the suspect turned and ran into the bedroom. After backing off and re-assessing, Sergeant Louis approached the bedroom door and kicked it open. Deputy Slate and [redacted] approached and entered the bedroom. Deputy Vaughn was a few feet behind Deputy [redacted] however he could not see into the bedroom from his vantage point. Deputy Vaughn said that he heard the taser being fired and then three gunshots seconds later.

Deputy Sam Young was working unit 92F1 on the night of the shooting. He was partnered with Deputy Vaughn. Deputy Young said they responded to [redacted] Genesee Avenue, Apartment [redacted] regarding a domestic dispute. As they approached the apartment he saw that Deputies Taylor, Slate and [redacted] were there along with Sergeant Louis. Deputy Young said that he heard a female voice screaming "Help me," coming from inside the apartment. Deputy Young believed a female inside the apartment was being killed.

Deputy Young went to the front door of Suspect Smith's apartment where Deputy [redacted] was attempting to kick the door open. Deputy Young instructed Deputy [redacted] to step aside and then he (Young) kicked the door open. Deputy Young remained outside as Deputies Vaughn, Slate, [redacted] Taylor and Sergeant Louis entered the apartment. Deputy Young said that he heard one of the deputies yelling that the suspect had a knife and Sergeant Louis shouting, "Tase him. Tase him. Tase him now." He said that he also heard several deputies ordering the suspect to drop the knife.

Deputy Young heard one of the deputies yelling that the suspect was running toward the back of the apartment. Seconds later, he heard approximately three gunshots. Deputy Young said that he requested paramedics respond after being advised that the suspect had been shot

Deputy Clark Speer was assigned to unit 93A on the evening the shooting took place. He responded to the domestic dispute call at [redacted] N. Genesee Avenue, Apartment [redacted] As he was approaching the apartment from the sidewalk in front of the building he heard what he believed to be a female screaming and glass breaking. When he reached Suspect Smith's apartment he found Deputies Slate, Berbiar, Taylor and [redacted] standing outside. Deputy Speer said that he positioned himself west of Suspect Smith's kitchen window and heard two different voices coming from inside the apartment. He recalled hearing a female voice state, "Help me" and then a male voice state,"Fuck you." Deputy Speer said that there were numerous requests made for the occupants to open the door and that the sound of breaking glass and loud thumping continued.

Deputy Speer said that after Sergeant Louis arrived on scene, the decision to force entry was made. He said that Deputies [redacted] Vaughn and Sergeant Louis entered the apartment after Deputy Young kicked the door open. Deputy Speer said that he heard Deputy Vaughn say, He's got a big knife, he's got a big knife" and then order Suspect Smith to drop the knife. Deputy Speer said that he repositioned himself near the front entrance to Suspect Smith's apartment, however, he did not have a clear view of the interior and could not see Suspect Smith. Deputy Speer heard Sergeant Louis order Deputy [redacted] to tase the suspect and then heard the taser being deployed. He said that he heard someone advise that the suspect was running to the rear.

Deputy Speer said that he entered the apartment and saw deputies standing outside the bedroom door. He said that he could still hear what he believed to be a male and female voices coming from the bedroom and that it sounded as though an assault was taking place inside the room. Deputy Speer said that he heard Suspect Smith respond, "Fuck you," when he was asked to open the bedroom door.

Deputy Speer said that Deputy Slate and Deputy [redacted] entered the bedroom after the door was forced open. He said that he heard Deputy Slate say, "Drop it , drop it, put it down" followed by orders to tase the suspect. Deputy Speer said that he heard the taser activate and almost simultaneously heard three gunshots. Deputy Speer said that he entered the bedroom and saw the suspect sitting on the bed with his upper torso slumped against a night stand in the northeast corner of the bedroom.

CIVILIAN WITNESS STATEMENTS.

Witness [redacted] lives in the apartment [redacted] just [redacted] of Suspect Smith's apartment, and their apartments [redacted] Mrs. [redacted] said that at approximately 2200 hours on the night of the incident, she heard loud banging and glass breaking. She said it also sounded like furniture was being moved about. Mrs. [redacted] said that she was unable to determine if the noises were coming from the apartment above her or the apartment [redacted] door (Suspect Smith's). Mrs. [redacted] said she looked out her living room window and saw two deputies who instructed her to go into the room at the rear of her apartment. After complying with their request Mrs [redacted] said that she heard doors banging and glass breaking and two to three gunshots while in her back room. Mrs. [redacted] said that she heard someone make the statement or statement similar to, "We got him."

Witness [redacted] lives in apartment [redacted] which is directly [redacted] of Suspect Smith's apartment and also [redacted] with Suspect Smith's apartment. Mrs. [redacted] said that she was asleep when she heard loud banging coming from Suspect Smith's apartment. Ms. [redacted] also heard noises she believed were doors slamming and stated that her apartment was vibrating from the noises coming from Suspect Smith's apartment

Mrs. [redacted] said that she got out of bed and walked [redacted] to Suspect Smith's apartment to ask him to quiet down. She said that she knocked on his door twice and on each occasion a voice from inside yelled , "Go away." Mrs [redacted] said that she pleaded with the person inside to keep down the noise but received no response. Mrs [redacted] said that the noise coming from inside the apartment increased and that she heard glass breaking and noises which she believed were items being thrown around the apartment. Mrs. [redacted] went to the [redacted] apartment and advised the [redacted] of the disturbance. Witness [redacted] returned to her apartment and noticed that the noise level of the disturbance had increased. She said that she heard two distinct voices coming from Suspect Smith's apartment. Mrs. [redacted] said that she could not tell if there were two men, or a male and female fighting. Mrs [redacted] heard a voice from the apartment say, "I'm going to kill you bitch. I'm going to shoot you." Mrs. [redacted] then called 911 for assistance.

Mrs. [redacted] estimated that the deputies arrived approximately ten minutes later. She said that she stood in the doorway of her apartment and could hear the deputies ordering the suspect to open the door. Mrs [redacted] said that a person inside the apartment responded, "Go away" after each request by the deputies to open the door. Mrs. [redacted] said that the deputies forced their way into the apartment after being on scene approximately 10-15 minutes. She said that she heard a lot of screaming and banging and that she also heard what she believed was a lady's

voice. Mrs [redacted] said that she heard deputies saying, "Drop the knife. Get down," and then heard what she believed was four gunshots.

Witness [redacted] lives in apartment [redacted] which is located [redacted] Suspect Smith's apartment. Mrs [redacted] reported that she heard hammering sounds coming from Suspect Smith's apartment. She said that she walked outside and saw deputies standing in front of Suspect Smith's apartment giving orders to open the door. Mrs. [redacted] said that the hammering noise continued as the deputies gave orders to open the door. Mrs [redacted] said that she heard a noise which she believed was deputies forcing the door of the apartment open and the deputies giving orders to "drop the knife" and "get down." Mrs. [redacted] said that she did not hear anything else.

Witness [redacted] said that he was walking his dog in front of the apartment complex when several black and white patrol units arrived. He said that he remained in front of the apartment and that he could hear the deputies knocking on the door. Mr [redacted] said that he heard glass breaking and someone remark, "He's got a knife, he's got a knife,"followed by three gunshots.

SH-AD-32A (6/94)

COUNTY OF LOS ANGELE

SHERIFF'S DEPARTMENT

"A TRADITION OF SERVICE"

SH2149855
MCCRAY

DATE January 16, 2006

OFFICE CORRESPONDENCE FILE NO. 005-04476-0974-013

FROM: RICHARD L. CASTRO, CHIEF
DETECTIVE DIVISION

TO: LEROY D. BACA
SHERIFF

SUBJECT: **LETTER OF OPINION ON DEPUTY INVOLVED SHOOTING**

The attached Letter of Opinion was received from the District Attorney's Office regarding the case involving Deputy Randal Slate #[redacted]

STATION: West Hollywood

DATE / TIME OF SHOOTING: June 29, 2005, 2235 Hours

SUSPECT: SMITH, Bruce MW/44
(Deceased)

LOCATION: [redacted]North Genesee Avenue
West Hollywood

DISTRICT ATTORNEY'S CONCLUSION:

"The evidence gathered in this investigation indicates that Bruce Smith was acting in a very bizarre manner causing the responding deputies to reasonably believe he was committing a domestic assault and holding the victim hostage. His statements to the deputies indicated that he wanted them to shoot him, which culminated in him advancing on the deputies armed with a large butcher knife. Smith's actions prompted Deputy Slate to fire his weapon ending the threat.

Based on this evidence, we find Deputy Slate's use of deadly force was necessary to preserve his life and the lives of others. Therefore, we are closing our file and will take no further action in this matter."

RLC:RHP:no